



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Needleman et al.  
Serial No.: 09/387,340  
Filed: August 31, 1999  
Entitled: AN IMMUNOLOGICAL PROCESS AND  
CONSTRUCTS FOR INCREASING THE HDL  
CHOLESTEROL CONCENTRATION

ART UNIT: 1642

EXAMINER: M. Davis

**RECEIVED**

NOV 26 2003

TECH CENTER 1600/2900

Attorney Docket No.: AVA-432.0 US-1

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Sir:

Transmitted herewith are: [X] Response under 37 C.F.R. §1.111; [X] a return receipt postcard, for filing in the above-captioned patent application.

**FEE FOR ADDITIONAL CLAIMS**

[X] A fee for additional claims is not required.

[ ] A fee for additional claims is required. The additional fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	NUMBER OF EXCESS CLAIMS	RATE	FEES DUE
TOTAL CLAIMS	8	32	0	× \$9	= 0.00
INDEPENDENT	1	4	0	× \$43	= 0.00
FIRST INTRODUCTION OF MULT. DEPENDENT CLAIM				+\$145	= 0.00
TOTAL FEES DUE					= 0.00

[X] Applicants hereby declare that small entity status is now appropriate for this case and hereby claim the same.

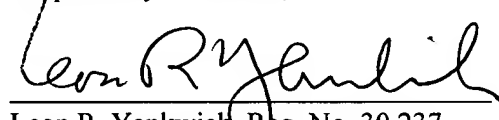
**PAYMENT OF ADDITIONAL FEES**

- ☐ A check including the amount of \$\_\_\_\_\_ in payment of the fee for additional claims is transmitted herewith {check no. \_\_\_\_\_}.
- ☒ The Commissioner is hereby authorized to charge payment of any additional fees required under 37 CFR 1.16 or 1.17 in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 50-0268. A duplicate copy of this transmittal letter is transmitted herewith.

**PETITION FOR EXTENSION OF TIME**

- ☐ Extension is requested under 37 CFR 1.136(a), and the following extension fee is applicable for the paper(s) filed herewith: ☐ \$55.00 for response within first month pursuant to 37 CFR 1.17(a)(1);  
☐ \$210.00 for response within second month pursuant to 37 CFR 1.17(a)(2);  
☐ \$475.00 for response within third month pursuant to 37 CFR 1.17(a)(3);  
☐ \$740.00 for response within fourth month pursuant to 37 CFR 1.17(a)(4);  
☐ \$1005.00 for response within fifth month pursuant to 37 CFR 1.17(a)(5).
- ☐ A check including the amount of ☐ \$55.00 ☐ \$210.00 ☐ \$475.00 ☐ \$740.00 ☐ \$1005.00 in payment of the extension fee is transmitted herewith.
- ☐ The Commissioner is hereby authorized to charge the extension fee of ☐ \$55.00 ☐ \$210.00 ☐ \$475.00 ☐ \$740.00 ☐ \$1005.00 to Deposit Account No. 50-0268. A duplicate copy of this transmittal letter is transmitted herewith.
- ☒ The Commissioner is hereby authorized to charge payment of any additional fees required in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 50-0268. A duplicate copy of this transmittal letter is transmitted herewith.

Respectfully submitted,

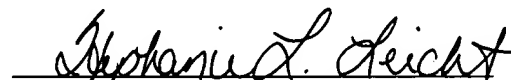


Leon R. Yankwich, Reg. No. 30,237  
David G. O'Brien, Reg. No. 46,125  
c/o YANKWICH & ASSOCIATES  
201 Broadway  
Cambridge, Massachusetts 02139  
Telephone: (617) 374-3700  
Telefax: (617) 374-0055

**CERTIFICATE OF MAILING**

The undersigned hereby certifies that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

November 18, 2003  
date

  
Stephanie L. Leicht



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Examiner: M. Davis

Art Unit: 1642

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**RESPONSE & EXPRESS ABANDONMENT OF PENDING APPLICATION**  
**PURSUANT TO 37 C.F.R. §1.138**

Dear Sir:

Applicants are in receipt of a non-final Office Action issued on August 20, 2003 in the above-referenced application, which is a continuation of pending U.S. Appln. Ser. No. 08/788,882, filed January 21, 1997. The three-month deadline for filing a response to the Action is November 20, 2003.

**REMARKS**

Claims 33-40 are currently pending in the present application.

In the Office Action issued August 20, 2003 the Examiner raised several objections to the claims. Specifically, Claims 33, 35, 37, and 39 were rejected under 35 U.S.C. §112, first paragraph, for lack of an enabling disclosure for the recitation of an immunogenic peptide of "about ten to no more than thirty amino acid residues of human CETP" as recited in Claim 33.

In addition, the Examiner has rejected Claims 34, 36, 38, and 40 under 35 U.S.C. §102(e) as being anticipated by Rittershaus, U.S. Pat. No. 6,410,022.

Finally, the Examiner has rejected Claims 33-40 under 35 U.S.C. §103(a) as being obvious over Rittershaus, U.S. Pat. No. 6,410,022, in view of Heimer et al., U.S. Pat. No. 4,957,737 and Butz et al., *Peptide Research*, 7(1): 20-23 (1994).